

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Brian Ofsie,

Case No.: 17-77510-ast
Chapter 7

Debtor.

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ORDER DENYING REAFFIRMATION OF PERSONAL PROPERTY LEASE

On February 28, 2018, Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. (“Santander”) filed pursuant to § 524 of the Bankruptcy Code a proposed Reaffirmation Agreement (“Reaffirmation Agreement”) between Santander and the above-captioned debtor (the “Debtor”). [dkt item 28]

The property described in the Reaffirmation Agreement is a “2017 Jeep Wrangler VIN 1C4BJWEG2HL647699”, which the Reaffirmation Agreement states is the subject of a lease agreement between Debtor and Santander.

The parties seek this Court’s approval of the Reaffirmation Agreement; however, this Court has previously found that the Bankruptcy Code allows for a personal property lease to be assumed by a Chapter 7 debtor under § 365(p)(1), but not reaffirmed under § 524. *See In re Ebbrecht*, 451 B.R. 241 (Bankr. E.D.N.Y. 2011); *In re Farley*, 451 B.R. 235 (Bankr. E.D.N.Y. 2011).

Accordingly, it is hereby

ORDERED, that approval of the Reaffirmation Agreement is DENIED.



Dated: March 1, 2018
Central Islip, New York



Alan S. Trust
United States Bankruptcy Judge